



[2565/76]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Wolfgang BIESEL
Serial No. : 09/636,123
Filed : August 10, 2000
For : DEVICE AND METHOD FOR AUTOLOGOUS BLOOD
TRANSFUSION
Examiner : BIANCO, Patricia
Art Unit : 3762

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Date: August 18, 2005

Signature: Kevin T. Godlewski
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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

S I R:

In response to the Notice of Allowability mailed on May 20, 2005, Applicant submits the following comments on the Examiner's Statement of Reasons for Allowance.

In the Examiner's Statement of Reasons for Allowance attached to the Notice of Allowability, it is explained that claims 1, 4, 5 and 8-10 are allowed because "[t]he subject matter of the independent claims could either not be found or was not suggested in the prior

art of record.” It is further explained that “[t]he subject matter not found was the device and method for autologous blood transfusion comprising a blood collection tank having a filter means for separating leukocytes and/or tumor cells from the blood, an inlet, an outlet, a device for generating a vacuum connected to said tank, a separation unit, comprising a centrifuge, and wherein the system [sic] further comprising [sic] a tubing system having multiple lines, wherein a section of the blood supply line is connected to the separation unit and a first and a second section of the supply line connected to the collection tank’s inlet and outlet, in combination with the other elements (or steps) in the claims.” Respectfully, it is submitted that the Examiner’s statement does not completely and accurately reflect the subject matter of independent claims 1, 5 and 9.

First of all, of the independent claims, only independent claim 1 is directed to a “device for autologous blood transfusion.” Furthermore, the device for autologous blood transfusion claimed in independent claim 1 comprises: an autotransfusion set; and a centrifuge unit. The autotransfusion set includes a separation unit for concentrating a cell fraction, a tubing system for providing a connection to a blood supply, a filter means for eliminating at least one of leukocytes and tumor cells, a blood collecting tank having an inlet and an outlet, and a device for generating a vacuum connected to the blood collecting tank, the tubing system including a blood supply line leading to the separation unit for supplying blood to be processed, and a return line leading away from the separation unit for supplying the concentrated cell fraction, wherein the blood supply line includes a first section connected to the inlet of the blood collecting tank and a second section connected to the outlet of the blood collecting tank, and wherein the filter means is arranged in the blood collecting tank. In addition, the separation unit of the autotransfusion set is rotatably mounted to the

centrifuge unit. Thus, the device for autologous blood transfusion claimed in independent claim 1 does not comprise “a blood collection tank having a filter means for separating leukocytes and/or tumor cells from the blood, an inlet, an outlet, a device for generating a vacuum connected to said tank, a separation unit, comprising a centrifuge, and wherein the system [sic] further comprising [sic] a tubing system having multiple lines, wherein a section of the blood supply line is connected to the separation unit and a first and a second section of the supply line connected to the collection tank’s inlet and outlet,” as is stated by the Examiner.

Independent claim 5 is not directed to a device for autologous blood transfusion. Independent claim 5 is directed to an “autotransfusion set for a device for autologous blood transfusion.” The autotransfusion set claimed in independent claim 5 comprises: a separation unit for concentrating a cell fraction; a blood collecting tank having an inlet and an outlet; a device for generating a vacuum connected to the blood collecting tank; a tubing system including a blood supply line leading to the separation unit for supplying blood to be processed, and a blood return line leading away from the separation unit for supplying the concentrated cell fraction, wherein the blood supply line includes a first section connected to the inlet of the blood collecting tank and a second section connected to the outlet of the blood collecting tank; and filter means for eliminating at least one of leukocytes and tumor cells, wherein the filter means is arranged in the blood collecting tank.


Independent claim 9 is the only independent claim directed to a “method of autologous blood transfusion.” The method of autologous blood transfusion claimed in independent claim 9 comprises the steps of: collecting a quantity of blood from a patient; passing the blood through a blood supply line including a first section connected to an inlet of

a blood collecting tank, a second section connected to an outlet of the blood collecting tank, and a filter arranged in the blood collecting tank, wherein the blood is drawn into the blood supply line via a device for generating a vacuum which is connected to the blood collecting tank; passing the blood through the filter to eliminate at least one of leukocytes and tumor cells; centrifuging the filtered blood in order to concentrate a cell fraction; and returning the concentrated cell fraction to the patient. Thus, the method of autologous blood transfusion claimed in independent claim 9 is defined according to the aforementioned method steps. That is, it does not comprise "a blood collection tank having a filter means for separating leukocytes and/or tumor cells from the blood, an inlet, an outlet, a device for generating a vacuum connected to said tank, a separation unit, comprising a centrifuge, and wherein the system [sic] further comprising [sic] a tubing system having multiple lines, wherein a section of the blood supply line is connected to the separation unit and a first and a second section of the supply line connected to the collection tank's inlet and outlet," as is stated by the Examiner.

The Examiner is invited to contact the undersigned attorney regarding any issues outstanding in connection with this application.

Dated: August 18, 2005

Respectfully submitted,

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